IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6311 OF 2005

Smt.Laxman Rajaram Parte. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri G.V.Bhagat for the Applicant.

Shri K.V.Saste, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 10th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that the dying declaration which is first in point of time does not implicate the Applicant. He placed reliance on the various decisions of this Court and the Apex Court and submitted that if the two dying declarations are inconsistent, the benefit must go to the accused. He submitted that the Applicant being a woman is entitled to be enlarged on bail after completion of the investigation. The learned A.P.P. has placed on record various material collected during the investigation.

3. The F.I.R. is recorded on the basis of the statement of the deceased. Apart from the F.I.R. there

is one dying declaration of the deceased in which the deceased has stated that the Applicant poured kerosene on the person of the deceased and her brother-in-law lighted the match. Which dying declaration is to be accepted is a matter of evidence. Apart from the dying declarations, there are statements of other witnesses. Moreover a complaint filed by the deceased earlier is also on record in which the allegation has been made against the Applicant and other members of her family regarding persistent demands as well as threats given by the Applicant and the other members of his family.

4. I am informed that the case is already committed to the Court of Sessions. Although no case is made out for grant of bail, considering the fact that the Applicant is a woman, the trial is liable to be concluded early.

5. The Application is rejected. The learned Sessions Judge will conclude the trial as expeditiously as possible and preferably within a period of six months from today.

Judge.